

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES HADDAD,

Plaintiff,

Case No. 04-CV-74932

-vs-

Hon. ANNA DIGGS TAYLOR

INDIANA PACERS, an assumed name a/k/a PACERS
BASKETBALL CORPORATION, an Indiana corporation,
JERMAINE O'NEAL and ANTHONY JOHNSON,

Mag. Judge Donald A. Scheer

Defendants.

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DEFENDANT INDIANA PACERS' MOTION FOR TAXATION OF COSTS

NOW COMES Defendant, INDIANA PACERS, an assumed name a/k/a PACERS BASKETBALL CORPORATION, an Indiana corporation, by and through its attorneys, POTTER, DeAGOSTINO, O'DEA & PATTERSON, and for its Motion for Taxation of Costs, states as follows:

1. That on Thursday, October 19, 2006, the jury returned its verdict in the above-referenced matter in favor of Defendants and against Plaintiff, CHARLIE HADDAD.

2. That pursuant to USC 28 §1920, costs are allowed to the prevailing party in an action.

3. That Defendant requests taxation of the following costs from this Court:

A.	Expert witness fee of Dr. Brad A. Blaker	\$550.00
B.	Expert witness fee of Dr. William Leuchter	\$4,700.00
C.	Expert witness fee of Robert B. Forney, Ph.D.	\$4,862.50
D.	Expert witness fee of Ed Primeau	\$8,680.00
E.	Witness fee of Michael Dowding	\$18.00
F.	Witness fee & mileage costs of Sami Khal (240 miles & \$14 parking)	\$138.80
G.	Witness fee & mileage costs of Ronda Wilson (138 miles)	\$79.41
H.	Witness fee of Tim Smith	\$18.00
I.	Witness fee & mileage costs of Mary Fielder (360 miles & \$20 parking)	\$198.20
J.	Witness fee & mileage costs of Cheryl Hahnenberg (348 miles)	\$172.86
K.	Witness fee & mileage costs of Dewayne Sabourin (130.6 miles)	\$78.12
L.	Witness fee of Alvin Shackelford, Jr.	\$18.00
M.	Deposition costs for John Kemerer, D.O.	\$152.85
N.	Deposition costs for Bradley Sewick, Ph.D.	\$575.20
O.	Deposition costs for Alvin Shackelford, Jr.	\$459.70
P.	Deposition costs for Jermaine O'Neal	\$562.30

Q.	Deposition costs for Fouad Haddad	\$119.90
R.	Deposition costs for Diana Haddad	\$100.10
S.	Deposition costs for Rose Siadi	\$210.30
T.	Deposition costs for Frank Haddad	\$210.30
U.	Deposition costs for Charlie Haddad	\$1,052.60
V.	Deposition costs for James Weintraub, D.O. (Discovery & De Bene Esse Depositions)	\$484.95
W.	Deposition costs for John P. Bederka, Ph.D.	\$170.40
X.	Deposition costs for Brad A. Blaker, D.O. (Including courtroom playback)	\$969.45
Y.	Deposition costs for Michael Dowding	\$216.18
Z.	Deposition costs for Sami Khal	\$216.17
AA.	Deposition costs for Timothy Smith	\$216.17
BB.	Deposition costs for Ronda Wilson	\$216.17
CC.	Deposition costs for Khawla Haddad	\$210.30
DD.	Process server fee for service of trial subpoena on Alvin Shackelford, Jr.	\$150.00
EE.	Trial costs	\$1,572.41
FF.	Court Reporter for partial trial transcript	<u>\$399.30</u>
	TOTAL COSTS:	\$27,778.64

4. That each item of cost or disbursement claimed above is correct and has been necessarily incurred in the action and the services for which fees have been charged were actually performed. Additionally, the witness fees and mileage costs that are claimed for Alvin Shackelford, Jr., Michael Dowding, Sami Khal, Timothy Smith, Ronda Wilson, Mary Fielder, Cheryl Hahnenberg

and Dewayne Sabourin are for testimony actually provided by these witnesses on October 11, 2006 and October 18, 2006.

WHEREFORE, Defendant requests that this Honorable Court enter an Order granting Defendant's Motion for Taxation of Costs and order Plaintiff to reimburse Defendant, Indiana Pacers' costs in the amount of \$27,778.64.

Respectfully submitted,

POTTER, DeAGOSTINO, O'DEA & PATTERSON

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Dated: November 6, 2006

BRIEF IN SUPPORT OF DEFENDANT'S MOTION FOR TAXATION OF COSTS

Defendant relies upon USC 28 § 1920.

POTTER, DeAGOSTINO, O'DEA & PATTERSON

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Dated: November 6, 2006

CERTIFICATE OF SERVICE

I hereby certify that on November 7, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the attorneys of record to this cause of action.

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